The Fickle Finger Page 2

OSCEOLA

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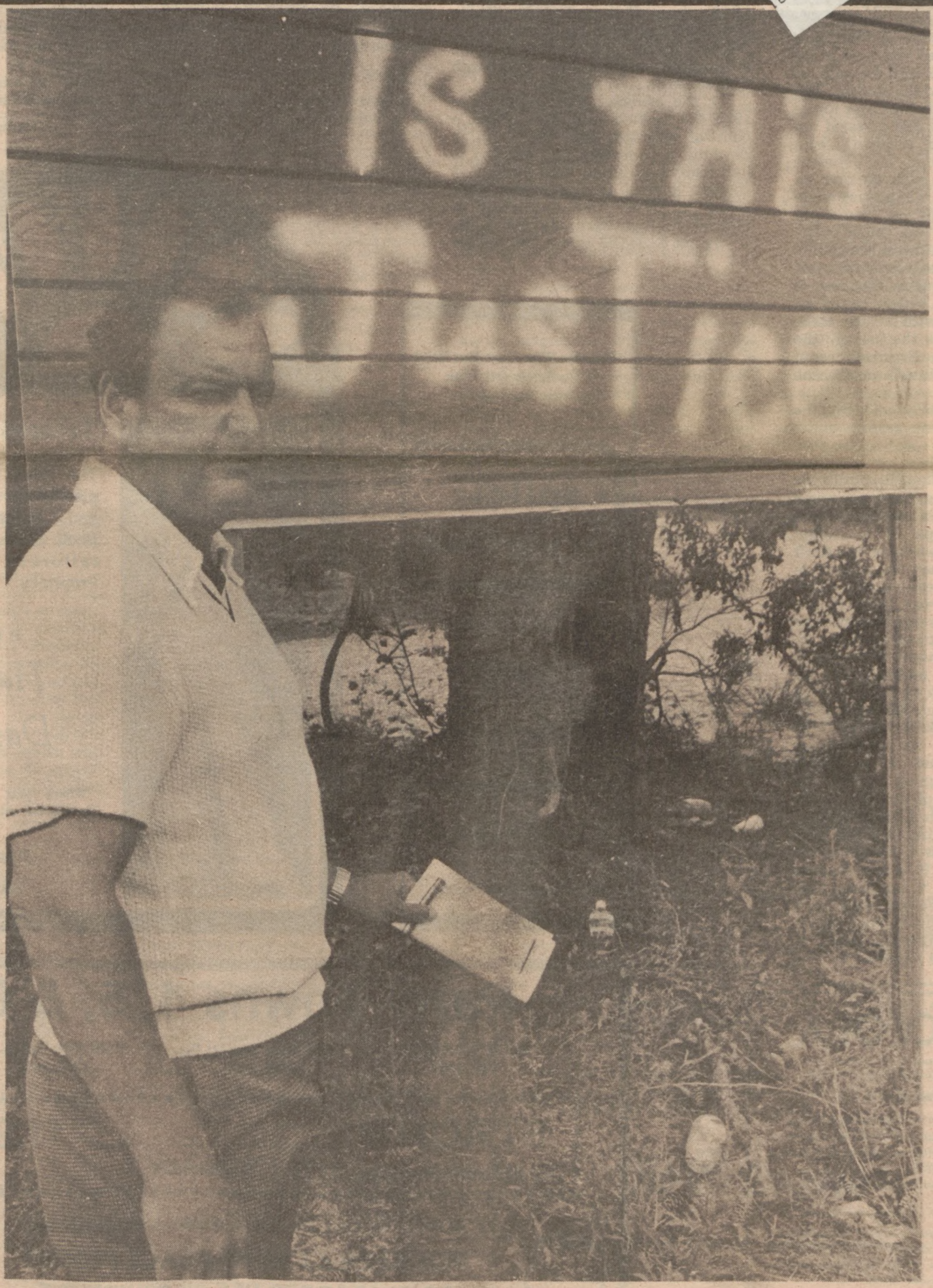

SCE&G vs. Armstrong See Page Four

cheap shots

The Fickle Finger

OSCEOLA's award for jurisprudence goes to the Connecticut Superior Court this week in the case of **Connecticut v. Anonymous.** The Court ruled that a high school student who gave the "finger" to a state trooper could not be convicted under Connecticut's statute dealing with obscene gestures since the gesture was not erotic and did not appeal to the purient interest in sex. The Court records reflected that:

> "A high school student was on a school bus when a police cruiser driven by a state trooper pulled up behind the bus. The student wiped the condensation off the rear window of the bus and proceeded to make a gesture toward the trooper in which the middle finger of his right hand was held in an upright position with the palm of the hand toward the student. The trooper pulled the bus over to the side of the road and arrested the student. The student was prosecuted under the student statute dealing with making an obscene gesture. The gesture made by the student is commonly referred to as "the finger". The extended middle finger is a phallic symbol. Its use as a semiotic insult is of ancient origin: Diogenes is reported to have insulted Demosthemes with it. The issue here is whether the use of "the finger" under the circumstances of this case constituted an obscene gestures.
>
> (Text) It should be noted that the allegedly obscene gesture under discussion is not offensive nonverbal conduct but offensive expression. Without its opprobious connotation, extending one's middle finger is a neutral act. It is unlike the type of nonverbal conduct, such as tearing up a draft card, which may be subject to governmental regulation. **United States v. O'Brien,** 391 U.S. 367, 376. It gains its significance only from the idea it expresses. As an expression it might be a vulgar epithet. When addressed to an ordinary citizen in a face-to-face confrontation it might be inherently likely to provike violence. As an expression directed against a particular individual or group it might be beyond the pale of constitutionally protected speech. **Chaplinsky v. New Hampshire,** 315 U.S. 568, 571-72; see **Hess v. Indiana,** 414 U.S. 105, 107. It is not obscene however. **Hess v. Indiana,** ibid. To be obscene the expression must be, in a significant way, erotic. **Cohen v. California,** 403 U.S. 15,20. It must appeal to the prurient interest or portray sex in a patently offensive ways. **Miller v. California,** 413 U.S. 15, 24. It can hardly be said that the finger gesture is likely to arouse sexual desire. The more likely response is anger. Because the charge and the proof were limited to making an obscene gesture the defendant's conviction cannot stand.

How to Make Some Money

Need some extra cash for Christmas? You might consider pollution bounties in order to have a happier holiday season.

Under a little-known bounty clause in the Federal Rivers and Harbors Act of 1899, two Pennsylvania State University teachers gave the United States Attorney information that led to accusations against four Pittsburgh companies as river polluters.

For the evidence they gathered in 1970, the teachers—David G. Nixon, a political scientist, and Dr. John J. Zavodni, a biologist—were entitled to half of any fines levied. With a total of 73 charges against the companies, they stood to collect $91,250—half of $182,500—if there were maximum fines.

"We got $3,333.33 apiece," Mr. Nixon reports. "Except for me. I got $3,333.34."

What happened was this:

After an initial conviction in 1971 that was upset by the United States Supreme Court in 1973, the defendants—the Pennsylvania Industrial Chemical Corporation, the Wheeling Pittsburg Steel Corporation, Jones & Laughlin Steel Corporation and United States Steel—agreed not to contest the charges. In return, the Government accepted minimum penalties.

The fines totaled $20,000. The 50 percent bounty was divided equally—except for the odd penny—between the two Penn State teachers and Michael Watts, the chemist for Allegheny County who had analyzed the teachers' pollution samples.

Are the rivers around Pittsburgh any cleaner today? "No," Mr. Nixon replies.

How to Lose Some Money

It isn't often that $1 million walks out of a bank vault, but it appeared to happen at the First National Bank of Chicago last month. Somehow that much in cash was missing, with no sign of forcible entry. An official of the bank, the nation's ninth largest, offered three possible explanations: an accounting error, misplacement of the money or theft.

"The money is still missing," says Nick Poulos, a vice president of First National, who adds that the bank "had to come to the realistic conclusion that it literally was taken."

The money vanished, Mr. Poulos says, either on Oct. 8 or Oct. 10, when cash was received at the vault and placed in a locked steel cart, or on Oct. 11, when the cart was moved to the head teller's cage. The teller discovered the loss the evening of Oct. 11.

"It was exactly $1 million—not $1 less, not $1 more," the bank official says, explaining that "it would fill a small suitcase" and "common sense will

(Continued on Page 6)

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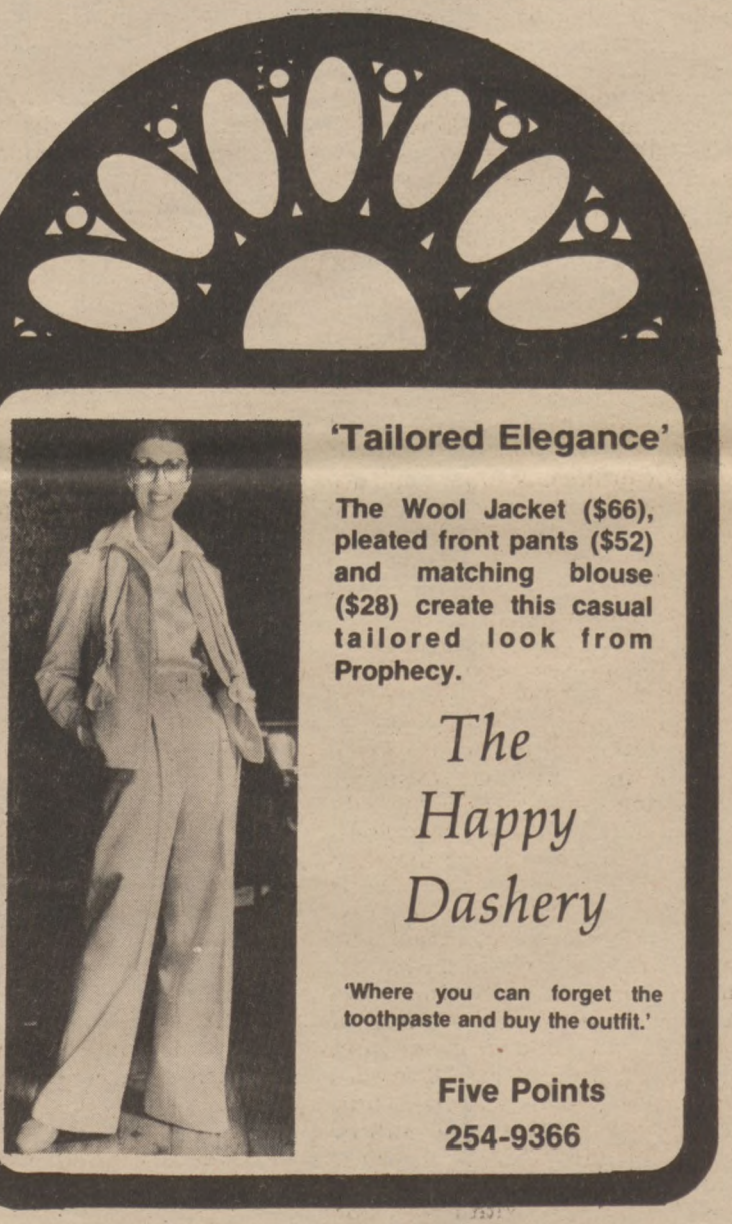

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"Show Time: Ry Cooder"

by Richard Smurthwaite

Throughout the Seventies, an extraordinary guitarist, Ry Cooder, has been mining the mother lode of American popular music, cutting rough stones into diamonds. While others, musicians and audiences, have sometimes drawn battlelines between genres — rock vs. country vs. folk — Ry has chosen songs and styles from black blues singers and Broadway songwriters, played numbers that have appeared on country and rock "Top 40" charts, and delved into Hawaiian and Chicano sounds that are rarely heard on the car radio.

On Ry's first live album, "Show Time: Ry Cooder," he keeps up the good work, aided and abetted by a band that's a melting pot for the varied sounds in American music that Ry delights in weaving together. Flaco Jiminez spices the mixture with lively accordion, a stable of "TexMex" music; Eldridge King, Terry Evans, and Bobby King contribute refined harmonies drawn from gospel music.

But hearing "Show Time" for the first time is a bit disappointing. Although this new release and Ry's last three albums — "Boomer's Story," "Paradise and Lunch," and "Chicken Skin Music" —are all stacked with good performances of witty or poignant songs, none seems as stunning as Ry's second album, "Into the Purple Valley," did when heard soon after its 1971 release. Then again, it's possible that Cooder could turn out excellen albums for a lifetime and never leave the same impression he did with "Purple Valley." The events of the times set the stage for that album: Ry sang the laments of people who'd been rudely awakened from their own American dreams to an audience who themselves were experiencing the American Disillusionment Blues.

———

"In the world there were lovely things and there were terrors. But neither the lovely things nor the terrors were anything like what the teachers said in classrooms or what men wrote in books or what was shown on the TV screens."

Novelist Thomas Klise registered this observation in "The Last Western," written during the early Seventies. By that time, his suspicions weren't unique. A lot of people were realizing they had good reason to doubt the claims incessantly voiced by teachers, preachers, politicians and others who were once believed to be "in the know."

Among the more vulnerable contentions, echoed by a variety of voices from candidate to movie star, were glib claims about America's "glorious past" and present. These claims, clung to as articles of faith by most of Middle America, were challenged by the government's and majority's behavior. "With liberty and justice for all"? It seemed a lot of people had been denied those ideals, for a variety of reasons: their race, sex, political inclinations, or even their hair length. And what was this in Indochina? A nation itself born in revolution, and later boasting of its peaceful nature, playing the role of "the British" in a foreign revolution?

Those were disillusioning times, tempting many to believe that times had never been so rough. "Not so," Ry seemed to say in "Purple Valley." On that album he performed a slew of myth-challenging songs written by "sadder but wiser" Americans who are rarely quoted in history texts or campaign speeches: the Depression migrant who'd been ousted from his home ("Keep on Moving"); the indebted farmer who found himself at the mercy of banker and merchant ("Taxes on the Farmer Feeds Us All"); and the black victimized by a travesty of justice, such as that described in Ledbelly's "On a Monday."

"On a Monday, I was arrested
On a Tuesday, I was locked up in jail
On a Wednesday, my trial was attested
On a Thursday, nobody to go my bail."

Not standard English perhaps, but — as vigorously performed by Ry — a more compelling critique of justice as it's often meted out than many an academic discourse on violations of the Constitutional guarantee to due process of law.

But the songs Ry chose for "Purple Valley," though many were written decades ago, are not mere museum pieces, either: many of the spectres in our national past that he alluded to were present in the America he played to. How many folks couldn't identify with that feeling, "I got shafted by the System," evoked by the burdened author of "Taxes on the Farmer"?

By resurrecting a 1930's Caribbean tune, "FDR in Trinidad," Ry reminds us that the bullshitters have always been with us, too. The song's writer painted a picture of happy island natives welcoming an all-benevolent Uncle Sam with open arms. Misleading pictures like that made it easy for Americans to assume, in the days before Vietnam, that people around the globe (except bonafide Commies) loved us for guarding them against subversion. Assumptions like that made America's foreign interventions possible.

The irony of the song was hard to msis in 1971 or '72, when this country was dropping megatons of bombs on foreign countries, especially by the time Ry arrived at th e last verse. The songwriter praises FDR for taking part "in a peace conferece/ to stop war and atrocity, and make the world safe for democracy/ The greatest event of the century for suffering humanity."

Even the album cover of "Purple Valley" portrayed the collision of expectations and realities. In the center, a grinning Ry and archtypical "girlfriend" stand, spiffed up in Thirties styles, before a gleaming new convertible and a city scene from a Hollywood stageset. Anticipation of a leisurely drive lights their faces, but there's a hitch, one that's not noticed at first glance: the car's back tire is flat.

On one side of the cover, Ry and girl ride gleefully "into the pruple valley of Romance and Adventure,: blessed by sunny skies." On the flip side, they're huddling from the fury of a thunderstorm. Apparently, the convertible's roof didn't work like it was supposed to, and the couple didn't check it out until they needed its protection. So goes the journey of the young, from expectation to disappointing reality.

Though Ry chose to stock "Purple Valley" with songs that allude to some of the country's darker moments, the album's not at all depressing. Perhaps it's because Ry, in a way,confirms that America does have a glorious path. But it's not the flawless "glorious past" of high school histories and Fourth of July orations; it's a past worth holding onto because people like Ledbelly and Woody Guthrie and the anonymous folks whose songs Ry sings struggled for their ideals of justice and independence against powers greater than they.

And Ry's "pickin" is so delightful, he could probably play a funeral dirge and still put a smile on his listeners' faces. Words don't do well at describing the virtuosity that Cooder has developed on nearly every instrument with strings. About all they can do is second the testimony of better-known musicians who have invited Ry to play on their recordings. He plays Mandolin on the Rolling Stones' rendition of "Love in Vain," and he joins Jagger on the album, "Jamming with Edward," and on the soundtrack to the movie "Performance." Ry's also contributed to albums by Arlo Guthrie, Maria Muldaur, and Taj Mahal, in whose band he once played.

But Ry's distinctive plunking and picking is best showcased on his own albums. It's on these albums that he displays his array of skills, playing banjo cexto, "slack key" and Hawaiian guitar, tiple and French accordion, as well as the customary electric and accoustic. The main wonder, however, is his performance on slide guitar, adapted from the style of black blues singers who fashioned slides from the remains of broken bottles.

Back when folk and rock musicians generally played their openning chords througout an entire song, Cooder revealed his varied abilities in occasional songs in which he shifted the arrangement, and the song's impack, after every verse. In "Billy the Kid" (also from "Purple Valley"), Ry combines madoline and guitar, first to create a lively, almost rollicking mood; later, as he sings about the "black night when poor Billy died," Ry plays terse instrumentals, making the music ominous and suspenseful while he tells the outlaw's "sad end."

Even when he assumes a lazy-sounding, half-zonked voice to satirize the words of a song, Ry doesn't slacken his guitar-playing. While slurring the naive, obsequious lyrics to "FDR in Trinidad," Ry delivers exquisite, Latin-influenced guitar work.

Times have changed since "Purple Valley" was bestowed on the public, and so Ry no longer sings of the vigilant man or about travesties of justice. About the only song on "Show Time" that comments on socio-economic issues is "How Can a Poor Man Stand Such Times and Live?" This lament about high prices apparently struck home with the San Francisco audience that cheers the chorus, double-digit inflation still fresh in their minds. But his guitar playing gets better with time, as his solos on "Poor Man" and another "Show Time" number, "Dark Side of the Street," indicates

Ry's own skills on the guitar et. al. aren't the only attraction of the music on his albums, however. Like a curious prospector, Ry incessantly hunts for more outcroppings of high grade American popular and folk music, fusing more instruments and riffs from these sources into his own music in each album. And when he can, Ry plays with the progenitors of music that's impressed him, people who are often celebrated musicians in their home stomping grounds, but who are virtually unknown outside them. Buesman "Sleepy John" Estes appears on "Bloomer's Story." On "Chicken Skin Music," Ry plays with Gabby Pahinui and Atta Issacs, whose "slack key" and steel guitar playing are a mainstay of Hawaiian folk music (a genre which does not, in case you're wondering, include renditions of "Hawaiian Wedding Song" heard at Honolulu's hotels, music that Ry and Gabby call "the Waikiki Sound.")

Yet Ry's product sounds quite different from the music made by earlier "folkies" who often did little more than imitate the licks folk and ethnic performers. The wonders of modern technology, primarily the electric guitar, also make their presence heard in Ry's complex brew. And his sound is very different from other folkies whose styles owed more to Broadway than to the blues. In this age of synthesizers and sitars, Ry has created a distinctive personal fusion of authentic American instruments and styles, a fusion that links the Dust Bowl balladeer to the rock 'n roller.

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The State Of The First Amendment:

BY HERB BUHL

Of the many rights that Americans take for granted today the rights of freedom of speech and freedom of the press seem the most secure and are the most essential.

In a country which has weathered the marches and the protests of the 1960's and early 1970's, one would think that the First Amendment ought to be more secure than ever. What could be more clear than the right of an individual to speak out on public issues or matters of public concern. The First Amendment to the United States Constitution provides that:

> Congress shall make no law...abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The scope of "freedom of speech" that the adopters of the First Amendment intended to protect is not clear but it is generally thought that they wanted to protect against prior restraints and prosecutions for seditious libel by the Government.

As Justice Cardozo stated in **Palko v. Conn.,** 302 U.S. 319 (1937) in discussing freedom of thought and speech:

> of that freedom one may say that it is the matrix, the indispensable condition, of nearly every other form of freedom.

Perhaps the most eloquent defense of freedom of speech was made by Justice Brandeis in **Whitney v. California,** 274 U.S. 357 (1927):

> "Those who won our independence believed that the final end of the State was to make men free to develop their faculties; and that in its government the deliverative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest meance to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American Government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law - the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed."

Recently, Thomas Emerson summarized the values and functions of freedom of expression in **The System of Freedom of Expression** (1970) thusly:

> First, freedom of expression is essential as a means of assuring individual self fulfillment... Second, freedom of expression is an essential process for advancing knowledge and discovering truth...Third, freedom of expression is essential to provide for participation in decision making by all members of Society. This is particularly significant for political decisions,...Finally, freedom of expresson (is) an essential mechanism for maintaining the balance between stability and change.

The case of David H. Armstrong, Jr., however, dramatically illustrates that these protections guaranteed by the Constitution are far from secure.

David H. Armstrong, Jr., the owner of a trucking and construction business, lives just north of Columbia, South Carolina, on U.S. 21. Until 1975, home was in a pleasant country setting. Directly behind his property were 21.65 acres of forest which was owned by a state agency, the South Carolina Department of Mental Health. In 1975, this property was sold to South Carolina Electric and Gas, Inc., a public utility, for use as a substation for high capacity transmission generators. Shortly after the sale was made, Armstrong objected to the sale contending that the property was sold by a state agency to a public utility at a price markedly below the fair market value. Armstrong argued that this deprived South Carolina taxpayers of revenue. He also contended that the provisions of the state law whereby the sale was completed were unconstitutional because they made no provision for a public sale or the opportunity for public bidding on the property. Armstrong asserted that the property could have been sold at a much greater price had a public sale been held and he made no secret of the fact that he would have paid some $1,500.00 more per acre (or what he alleged was the fair market value) than SCE&G had paid had the sale been open to the public. Nor as you can imagin was Armstrong enthusiastic about the prospect of having 20 acres of high-powered electric generators virtually in his backyard. On about June 24, 1975, Armstrong erected a sign on his property adjoining the property recently purchased by SCE&G which stated:

> SOUTH CAROLINA ELECTRIC AND GAS COMPANY STOLE THIS 20 ACRES OF... LAND FROM SOUTH CAROLINA TAXPAYERS. HELP US STOP THIS ILLEGAL TAKE-OVER OF LAND. CALL 788-2273...DAVID H. ARMSTRONG, JR., CHAIRMAN, COUNCIL TO SAVE PUBLIC LAND.

On July 1, 1975, David Armstrong had the dubious distinction of being one of the first persons in South Carolina and perhaps anywhere ever sued by a public utility for libel and defamation. Armstrong was served with an **ex parte** Temporary Restraining Order immediately ordering him to remove the sign and enjoining him from further..."erecting signs and billboards defaming SCE&G and interfering with SCE&G's business relations." This Order was accompanied by a Complaint asking fifteen thousand ($15,000.00) dollars damages from Armstrong for defaming and libeling SCE&G and interfering with their business relationships. The hearing on this "Gag" Order was not scheduled until August 15, 1975 - a month and a half later. Armstrong voluntarily covered his sign that same day. As a result of the Temporary Restraining Order, Armstrong petitioned the Supreme Court of South Carolina for a Writ of Supercedeas to stay the lower Court's Order. Armstrong argued that the Restraining Order issued without a hearing was an unconstitutional prior restraint upon his constitutional rights to freedom of speech and to freedom of the press. Justice Littlejohn of the S.C. Supreme Court after hearing arguments refused to stay the effect of the Restraining Order and denied Armstrong's Petitution on July 9, 1975.

At the hearing before the County Court on August 15, the Court continued its Restraining Order and enjoined Armstrong to "...cease and desist from erecting signs or billboards defaming Plaintiff and from interfering with Plaintiff's business relations by such defamatory conduct."

Armstrong subsequently filed suit against SCE&G challenging the constitutionality of the procedure whereby the state land was sold to the utility without the public having any opportunity to bid or offer to buy the property. Armstrong alleged that the procedure was unconstutional, and that the land sale should be set aside. The circuit court judge would not delay the sale, however, unless Armstrong was willing to post a two thousand ($2,000.00) dollar-a-day bond to cover any damages SCE&G might suffer because of the delay caused by this suit.

Armstrong then erected a new sign on his property adjacent to the SCE&G tract, on or about August 19, 1975 which read:

> DAVID ARMSTRONG HAS FILED SUIT CLAIMING THIS 20 ACRES WAS OBTAINED BY SCE&G UNCONSTITUTIONALLY FROM THE TAXPAYERS OF S.C. PHONE 788-2273... DAVID H. ARMSTRONG, JR., CHAIRMAN, COUNCIL TO SAVE PUBLIC LAND.

To further carry his message to the people, on October 3, 1975, Armstrong erected a similar sign on a pickup truck and parked the truck in a City of Columbia metered parking space in front of SCE&G's downtown business offices.

That same day, he was served with an Order to appear before the County Judge on Octover 20, 1975 to show cause why he should not be held in contempt of court and why he should not "...imediately cease and desist from the defamatory tactics alleged in the petition and remove all signs he has erected."

A hearing was held October 20, 1975, at which, attorneys for Armstrong argued that the last sign was an accurate reflection of the fact that Armstrong had filed suit and certainly was not defamatory, and in any event, was protected by the First Amendment since it was a public issue and a matter of public concern.

The Court, nevertheless, found that Armstrong was guilty of Contempt of Court and that his conduct was designed to influence pending litigation. The Court on November 13, 1975 found that criminal sanctions by way of fine and imprisonment were appropriate but would...

> not be imposed so long as David H. Armstrong, Jr., ceases and desists from publishing, by way of signs or through the news or other media, defamatory remarks

(Continued on Page 5)

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The Case Of David H. Armstrong, Jr.

(Continued From Page 4)

concerning Plaintiff here (SCE&G) and remarks concerning matters currently being litigated relative to the acquisition by Plaintiff of the approximately twenty-one acres of land from the Department of Mental Health for the construction of an electrical power substation or other controversies pending between the parties.

During the course of the hearing, the judge indicated his willingness to have Armstrong placed in jail unless he ceased his campaign of publicity.

Attorneys for Armstrong again sought a stay of this Order from the Supreme Court of South Carolina. On November 17, 1975, Justice Gregory issued a Writ of Superceadeas staying the effect of the Lower Court's Order until the matter could be heard by the entire Court. On December 2, 1975, after a hearing before the full South Carolina Supreme Court, the Court, denied his request for a stay and allowed the lower Court's Order to remain in full force and effect.

The American Civil Liberties Union of South Carolina thereupon filed suit on Armstrong's behalf in United States District Court for declaratory and injunctive relief asserting that Armstrong's First Amendment freedoms of speech and of press had been infringed. Armstrong alleged that the State Court Orders which enjoined his actions and expressions and held him in contempt violated his rights to free speech and press and due process protected by the First, Fifth and Fourteenth Amendments to the Constitution of the United States. Armstrong sought to enjoin the enforcement of the State Court Orders.

Even though the case presented certain procedural problems, Armstrong's situation appeared to be a classic First Amendment case. The crucial test, of course, was to convince the Federal Judge to exercise jurisdiction and to intervene in the pending state Court Civil Action and prohibit the enforcement of the State Court Orders which appeared to unconstitutionally infringed upon Armstrong's seemingly clear and overwhelming constitutional rights.

Armstrong argued that the principles of equity, comity, and federalism (doctrines by which the Court could refuse to intervene) did not preclude the District Court from exercising jurisdiction and he attempted to demonstrate that he had met the special circumstances justifying Federal intervention.

Armstrong's attorneys advanced several arguments urging the Court to take jurisdiction and intervene. It was pointed out that the Plaintiff had attempted to call attention, peacefully, to a procedure by which public land was sold to a public utility without open bidding by the general public. He did this by use of signs and, at most, as in **Organization for a Better Austin v. Keefe,** was engaged in "openly and vigorously" making the public aware of SCE&G's actions and his own action in filing suit.

It also was pointed out that perhaps, the signs were offensive to SCE&G, however,..."As long as the means are peaceful, the communication need not meet standards of acceptability."

Courts have long recognized that debate must be "uninhibited, robust and wide open" in a free democratic society. As the U.S. Supreme Court said in **Times v. Sullivan:**

Constitutional protection does not turn upon the truth, popularity or social utility of the ideas and beliefs which are offered.... erroneous statement is inevitable in free debate and (must) be protected if the freedom of expression is to have the breathing space that it needs to survive.

Assuming the first sign may have been found objectionable, Armstrong's last sign in which he fairly and accurately described that he had filed suit, by any stretch of the imagination, was not defamatory and in fact called attention to a matter of public concern and a public issue concerning the people of the State of South Carolina.

In addition, it was argued that Armstrong's comments about any pending litigation did not present a clear and present danger or a serious threat to the administration of justice and that a **clear** showing must be made that the exercise of First Amendment rights would interfere with the rights of the parties to a fair trial before a Court should issue such a restrictive "Gag" Order.

As several Courts have held, "The use of a gag Order to ensure an impartial trial may be a worthy goal however, the attempts to achieve it must be measured by possible harm done to other values."

Finally, Armstrong urged that he had met the special circumstances necessary before a Federal Court would intervene in a pending State Court action:

a) That the threat to his rights was great and immediate - Armstrong had been subjected to a **prior restraint** and in the words of Justice Burger in **Nebraska Press Association v. Stewart,** Armstrong's freedom of expression had not merely been "chilled" but had been "frozen". Such **prior restraint** by its very definition had immediate and irreversible effect.

b) That the Plaintiff's injury could not be dissipated in the defense of the State Civil proceeding and that the overbroad State Court Orders obviously could not be cured in the State Court system.

and finally c) That the threat to his liberty was real and concrete as he had been found in Contempt of Court and the Judge had threatened to jail him on several occasions and only by foregoing the exercise of his First Amendment freedoms had he been allowed to remain free.

Following a hearing on Armstrong's request for a temporary restraining Order, the Federal Court balanced South Carolina's interest and..."desire to protect its citizens from libelous publications and to conduct its Courts in an orderly and fair manner without influences from outside the courtrooms..."with the Federal Court's interest..." in protecting its citizens right to free speech and due process pursuant to the guarantees of the Constitution..." and dismissed Armstrong's Complaint. Citing the principles of equity, comity, and federalism the District Court held that the exercise of jurisdiction by the Court would be improper.

The Court glossed over twenty years of cases grounded in the First Amendment. In essence, the Court concluded that the public issues and public interest involved wre not of the magnitude necessary for intervention by the Federal Court:

"Protection of the public's right to be informed on public issues is not so clear in the instant case. While SCE&G did purchase the property from an agency of the State of South Carolina it is a private corporation; and it is reasonable to assume that a false accusation that it "stole" certain property would be detrimental to its private business interests....clearly the sign was defamatory per se, because neither SCE&G nor any of its employees acquired the land through conduct that could be construed as being criminal in nature..."

The Court made no mention of Armstrong's last sign which accurately reflected the filing of his own suit against SCE&G challenging the constitutionality of the land sale.

An appeal was taken to the Fourth Circuit Court of Appeals, however, the Fourth Circuit panel affirmed the decision of the District Court.

As for David Armstrong, he has taken it all in stride. "I am convinced that if you are right you will win in the end," he says. SCE&G's suit against him for libel and defamation is still pending in the Richland County Court.

His suit against SCE&G to set aside the land sale is still pending, but a lower court ruled that such a "private" sale was not unconstutional.

Armstrong stands ready to go to jail if he must. Given the vague and overbroad standards established by the Courts he may have to if he erects any future signs.

All in all, it seems that the status of the First Amendment has slipped somewhat when confronted with various corporate interest.

letters

Editor, OSCEOLA:

This might be what OSCEOLA considers an irregular contribution and therefore useless for its randomness. Yet, I wrote it knowing that it appears as such. It just came out this way and I am willing to have it rejected. I did read the article on "Bums, Winos, etc." and felt that it lacked compassion and understanding for the men and women who are impoverished, and thought of as skid row types. So be it. I know Skeeter and he is not unhappy, or at least conceals it very well.

I would have waited for your call, but I took the chance and wrote it as a final draft. I cannot seem to get over my fear of Editors and that's part of the reason as well.

So, if this isn't what you want, will you mail it back to me?

As always, the best of luck with OSCEOLA and I hope that I can be of some service to you in the years to come.

Sincerely,
Ken Denberg
1705 Pinewood Rd.
Columbia, S.C. 29205

Technics
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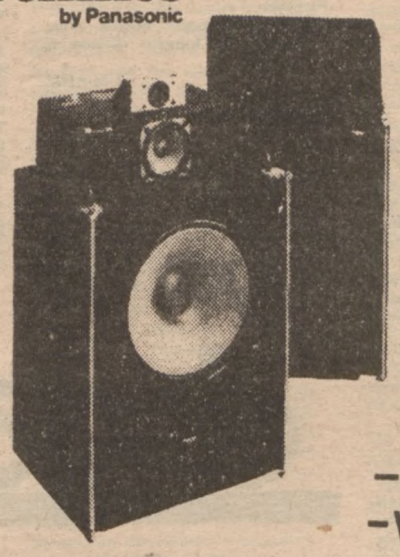

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Legal Notices

FINAL DISCHARGE
Notice is hereby given that Ted W. Hall, Executor of the estate of Una Mae Hall, Deceased has this day made application unto me for a final discharge as such Executor; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Jeanne Kelly McMaster, Executrix of the estate of Bernice Heriot Kelly, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
October 27, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Eleanor Poole, Executrix of the estate of Annie C. Wise, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Jack H. Odam, Executor of the estate of Maude H. Wrenn, Deceased has this day made application unto me for a final discharge as such Executor; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Alvin Fender Wise, Executor of the estate of Ollie F. Wise, Deceased has this day made application unto me for a final discharge as such Executor; and that the 1st day of December 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.c.
October 31, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Burnell Sloan, Executor of the estate of Mildred Fellers Haltiwanger, Deceased has this day made application unto me for a final discharge as such Executor; and that the 1st day of December 1977,a t 10 o'clock A.M., at my office has been appointed for the hearing of said petiton.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 31, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Delores Brown, Administratrix CTA of the estate of Thomas J. Farley, Deceased has this duly made application unto me for a final discharge as such Administratrix; and that the 1st day of December 1977,at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 31, 1977
11/25

FINAL DISCHARGE
Notice is hereby given that Ruth Penn Neal, Administratrix of the estate of Kathryn L. Neal, Deceased has this day made application unto me for a final discharge as such Administratrix; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 24, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Gretta Williams Horne, Executrix of the estate of James Kermit Horne, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 28th day of November f1977, at 10 o'clock A.M., at my office has been appointed for the heairng of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 24, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Arthur Robert McLinden, Jr., Executor of the estate Rita Marie McLinden, Deceased has this day made application unto me for a final discharge as such Executor; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 20, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Annie N. Matthews, Executrix of the estate of Fletcher Boyd Matthews, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 20, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Mitchell Hopkins, Adminsitrator CTA of the estate of William Lewis Hopkins, Deceased has this day made application unto me for a final discharge as such Administrator; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 20, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that H. Bland Hammond, Jr., Hugh H. DuBose and Henry D. Williard, Executors of the estate of Harriett H. Gregg, Deceased have this day made application unto me for a final discharge as such Executors; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 20, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that William Lemuel Lawson, Committee of the estate of J.R. Lawson, NCM has this day made application unto me for a final discharge as such Committee; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.d
October 20, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that T.W. Weathersby, Administrator of the estate of Ralph W. Weathersby, Deceased has this day made application unto me for a final discharge as such Administrator; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S. C.
October 20, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Sara Belle Shannon, Executrix of the estate of William Gilmore Shannon, Deceased has this day made application unto me for a final discharge as such executrix; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 21, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that W. Shell Suber, Jr., Executor of the estate of J.D. Estes, Deceased has this day made application unto me for a final discharge as such Executor; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 21, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Augustus T. Graydon, Executor of the estate of Julia Thomas Reese, Deceased has this day made application unto me for a final discharge as such Executor; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 24, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that Sara Belle Shannon, Executrix of the estate of William Gilmore Shannon, Deceased has this day made application unto me for a final discharge as such executrix; and that the 21st day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 21, 1977
11/18

FINAL DISCHARGE
Notice is hereby given that James Trapp, Administrator of the estate of Frances T. Green, Deceased has this day made application unto me for a final discharge as such Administrator; and that the 21st day of November 1977 at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.
A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 21, 1977
11/18

ESTATE NOTICE
All persons having claims against the estate of I. Hugh Boinest deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.
Ann C. Boinest, Executrix
c/o Joseph C. Good, Jr., Attorney
P.O. Box 764
Columbia, S.C. 29218
Columbia, S.C.
October 24th, 1977
11/8

SUMMONS
State of South Carolina
County of Richland
In the Family Court
Fred Wright,
Petitioner,
vs.
Helen Caldwell Wright,
Respondent.
TO THE RESPONDENT ABOVE NAMED:
a
YOU ARE HEREBY SUMMONED and required to answer the petition in this action, which has been filed in the office of the Family Court of the Fifth Judicial Circuit, and to serve a copy of your answer to the said complaint on the subscriber at his office, 1019 Assembly Street, Columbia, South Carolina, within twenty (20) days after service hereof, exclusive of the day of such service; and if you fail to answer the petition within the time aforesaid, the petitioner in this action will apply to the Court for the relief prayed for in the petition.
TO THE RESPONDENT ABOVE NAMED:
YOU WILL PLEASE TAKE NOTICE that the petition in the above entitled action was filed in the Family Court of the Fifth Judicial Circuit on the 14th day of November, 1977.
/s/ HOWARD HAMMER
Attorney for the Petitioner
/s/ John R. T. Major
Judge or Clerk
The Family Court of the Fifth Judicial Circuit
12/2

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
NCNB Mortgage South Inc., FormerlyC. Douglas Wilson, & Company,
Plaintiff
vs.
Cathy Barnes
Defendant
SUMMONS
TO CATHY BARNES, DEFENDDANT HEREIN:
SUMMONS
You are hereby summoned to answer the Complaint in this action, the original of which is filed in the Office of the Clerk of Court for Richland County, and to serve a copy of your Answer upon the subscriber at his offices, 1107 Barringer Building Columbia, South Carolina within twenty (20) days after service of this Summons upon you, exclusive of the date of such service, and in the case of your failure to appear or answer, judgement will be taken against you by default for the relief demanded in the complaint.
/s/ Kenneth G. Goode
Attorney for Plaintiff
Columbia, South Carolina
NOTICE
TO CATHY BARNES, DEFENDANT HEREIN:
A copy of the Summons and Complaint in the above captioned action, together with the Order authorizing service upon you by Publication has been filed in the office of the Clerk of Court for Richland County on the 14th day of November, 1977.
/s/ Kenneth G. Goode
Attorney for Plaintiff

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS
NCNB Mortgage South Inc., formerly C. Douglas Wilson & Company,
Plaintiff,
vs.
Cathy Barnes,
Defendant,
LIS PENDENS
NOTICE IS HEREBY GIVEN that an action has been commenced and is now pending in this Court upon Complaint of the above named Plaintiff against the above named Defendant for the foreclosure of a certain mortage of real estate given by Cathy Barnes, to C. W. Haynes and Company, Incorporated, dated June 24, 1976, which mortgage was recorded in the Office of the Clerk of Court for Richland County on July 1, 1976, in Mortgage Book M423 at page 716. Subsequent to that date, C. W. Haynes and Company, Incorporated, assigned said Mortgage to C. Douglas Wilson and Company (now NCNB Mortgage South, Inc.) on June 25, 1976, which assignment was recorded on July 1, 1976, in Mortgage Book M422 at page 719 in the same office. The premises covered and affected by the said mortage and by the foreclosure thereof, were, at the time of the making thereof decribed, and at the time of the filing of this notice, described as follows:
All that certain piece, parcel or lot of land, situate, lying and being in the County of Richland, City of Columbia, State of South Carolina, shown on a plat prepared for Emmitt C. Chavis, Jr., and Dorothy O. Chavis, by D. George Ruff dated October 2, 1969, the same being shown on plat prepared for the Big "M" Corporation by Claude R. McMillan, Jr., dated March 19, 1969. Said property is shown as having the following boundaries and measurements: Bounded on the North by land belonging to Zobel, whereon it measures Forty (40) feet; bounded on the East by land belonging to Zobel, whereon it measures One Hundred Four and seven-tenths (104.7) feet; bounded on the Southeast by Windemere Avenue, whereon it measures Fifty-five (55') feet; bounded on the West by property belonging to Meeting, whereon it measures One Hundred Five (105'); bounded on the North by land belonging to Hyatt, whereon it measures Ten (10') feet; bounded on the West by land belonging to Hyatt, whereon it measures Twenty-two (22') feet; be all measurements a little more or less.
Being the same property conveyed to the Secretary of Housing and Urban Development by deed of Owens T. Cobb, Jr., Master, dated March 4, 1975, recorded in the RMC Office for Richland County on March 26, 1975, in Book D343, page 149.
HYATT & ELLIOTT
BY: /s/ Kenneth G. Goode
Attorney for Plaintiff
Columbia, South Carolina
November 14, 1977
12/2

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE FAMILY COURT
Lynette Spurlin,
Petitioner,
vs.
David Wayne Spurlin,
Respondent.
SUMMONS
TO THE RESPONDENT ABOVE NAMED:
YOU ARE HEREBY SUMMONED and required to asnswer the petition in this action, which has been filed in the office of the Family Court of the Fifth Judicial Circuit, and to serve a copy of your answer to the said petition on the subscriber at his office, 1019 Assembly Street, Columbia, South Carolina, within twenty (20) days after service hereof, exclusive of the day of such sevice; and if you fail to answer the petition within the time aforesaid, the petitioner in this action will apply to the Court for the relief prayed for in the petition.
TO THE RESPONDENT ABOVE NAMED:
YOU WILL PLEASE TAKE NOTICE that the petition in the above entitled action was filed in the Family Court of the Fifth Judicial Circuit on the 14th day of November, 1977.
/s/ HOWARD HAMMER
Attorney for the Petitioner
John R. T. Major
Judge or Clerk
The Family Court of the Fifth Judicial Circuit
12/2

NOTICE
State of South Carolina
County of Richland
In The Family Court
Donna K. Whitehead,
Petitioner,
-vs-
Elder Lee Whitehead,
Respondent.
TO THE ABOVE NAMED RESPONDENT:
YOU WILL PLEASE TAKE NOTICE that the original Petition in the above entitled action was filed in the Office of the Clerk of Court for Richland County on the 27th day of October, 1977.
JERRIE J. MEALING
Attorney for Petitioner
Columbia, South Carolina
This 19th day of October, 1977.

SUMMONS
State of South Carolina
County of Richland
In The Family Court For The Fifth Circuit Court
Donna K. Whitehead,
Petitioner
-vs-
Elder Lee Whitehead,
Respondent
TO THE RESPONDENT ABOVE NAMED:
YOU ARE HEREBY SUMMONED and required to answer the PETITION herein, copy of which is herewith served upon you, and to serve a copy of your Answer to said PETITION upon the subscribers at her offices, 1111 Barringer Building, Columbia, S.C., within twenty (20) days after service hereof, exclusive of the day of such service, and if you fail to answer the PETITION within the time aforesaid, the PETITIONER in this action will apply to the Court for the releif demanded in said PETITION.
JERRIE J. MEALING
Attorney for Plaintiff
Columbia, South Carolina
October 19, 1977
Countersigned by:
JUDGE, Fifth Judicial
JUDGE, Fifth Judicial Circuit, In the Family Court
By; John R.T. Major
CLERK OF COURT

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cheap shots

(Continued From Page 2)

tell you that it had to be someone from inside."

"I really can't see how a guy from the outside could come in and go through our checkpoints and go to the cart, take a million dollars and walk out with it," Mr. Poulos says.

The Federal Bureau of Investigation says it is "very vigorously pursuing" the case. The loss is not covered by insurance, because the bank's policy has a $1 million deductible clause.

Legal Notices

ESTATE NOTICE

All persons having claims against the estate of Forrest L. Wheeler deceased, are hereby notified to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

The South Carolina
National Bank, Executor
P.O. Box 168,
Columbia, S.C., 29202
Columbia, S.C.
October 27, 1977
11/18

ESTATE NOTICE

All persons having claims against the estate of Anna Burstein deceased, are herebyl notifed to file the same, duly verified, with the undersigne,d and those indebted to said estate will please make payment likewise.

Meta Miller, Executrix
c/o George H. Davis, Jr.,
Attorney
2016 Lincoln Street
Columbia, S.C. 29201
Columbia, S.C.
October 27th, 1977
11/18

ESTATE NOTICE

All persons having claims against the estate of Bowie Kermit Simmons, deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

Edith M. Simmons,
Executrix
1219 Denny Road
Columbia, S.C. 29203
Columbia, S.C.
October 28, 1977
11/18

ESTATE NOTICE

All persons having claims against the estate of Edwin Frank Jarrell, deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

Patricia Alice Jarrell,
Administratrix
c/o Jan Strifling, Atty.
1332 Pickens Street
Columbia, S.C. 29201
Columbia, S.C.
October 27, 1977
11/18

FINAL DISCHARGE

Notice is hereby given that Elma Edmunds, Executrix of the estate of Sadie Maund Rice Parks, Deceased has this day made application unto me for a fianl discharge as such Executrix; and that the 28th day of November, 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.

A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
11/25

FINAL DISCHARGE

Notice is hereby given that Thomas E. Grigsby, Executor of the estate of Gussie D. Grigsby, Deceased has this day made application unto me for a final discharge as such Executor ; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.

A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
11/25

FINAL DISCHARGE

Notice is hereby given that Margaret W. Johnson, Executrix of the estate of Lemuel R. Johnson, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 28th day of November, 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.

A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27,.1977
11/25

FINAL DISCHARGE

Notice is hereby given that Islene J. Entzminger, Executrix of the estate of Floyd L. Entzminger, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.

A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 27, 1977
11/25

ESTATE NOTICE

All persons having claims against the estate of Ware Carns deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

Alton L. Carns, Executor
6733 N. Trenholm Road
Columbia, S.C. 29206
Columbia, S.C.
October 24th, 1977
11/18

ESTATE NOTICE

All persons having claims against the estate of Gussie W. Goff, deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

W.E. Goff & Julia G. Clark,
Executors
c/o Oswald & Floyd, Attys
744 Sunset Blvd, Suite 201
W. Columbia, S.C. 29169
Columbia, S.C.
October 27, 1977
11/18

ESTATE NOTICE

All persons having claims against the estate of Jimmie W. Varnadore deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

James E. Varnadore,
Executor
P.O. Box 2
Dorchester, S.C. 29437
Columbia, S.C.
October 27th, 1977
11/18

ESTATE NOTICE

All persons having claims against the estate of Arthur Noah, deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

Gregory K. Leevy,
Administrator
c/o Thomas D. Broadwater, Sr., Atty.
1900 Taylor Street
Columbia, South Carolina
Columbia, S.C.
October 25, 1977
11/18

SUMMONS FOR RELIEF

State of South Carolina
County of Richland
IN THE COURT OF COMMON PLEAS
SIDNEY PARK, INC.,

Plaintiff,

against

TOM ELLIOTT, as Treasurer and Tax Collector for Richland County; REV. ALBERT INGRAM, and as defendants whose names are unknown, any child or children and heirs at law and distributees of Rev. Albert Ingram, if he be deceased, and all persons entitled to claim under or thorugh them or any of them, NANCY H. SQUIRE MACK and WADE SQUIRE MACK, and as defendants all persons entitled to claim under or through them or any of them; also other persons or legal entitities unknown claiming any right, title, estate, interest in or lien upon the real property described in the complaint herein, any unknown adults on active duty in the military service being as a class designated JOHN DOE; and any unknown infants or persons under disability being as a class designated RICHARD ROE; W.A. BOB JETER, AUDITOR, JOHN R.T. MAJOR, Clerk of Court, TOM ELLIOTT, Treasurer, being the Forfeited Land Commission,

Defendants.

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint in this action of which a copy is hereby served upon you, and to serve a copy of your answer to the said complaint on the subscriber at their offices, 1108 Blanding Street, Columbia, S.C. within twenty days after the service thereof exclusive of the day of such service; and if you fail to answer the complaint within the time aforesaid, the plaintiff in this action will apply to the Court for relief demanded in the Complaint.

William T. Toal

JOHNSON, TOAL & BATTISTE, P.A.
Attorneys for Plaintiffs

Columbia, South Carolina
November 2, 1977.

LIS PENDENS

State of South Carolina
County of Richland
IN THE COURT OF COMMON PLEAS
SIDNEY PARK, INC.

Plaintiff,

-vs-

TOM ELLIOTT, as Treasurer and Tax Collector for Richland County; REV. ALBERT INGRAM; and, as defendants whose names are unknown, any child or children and heirs at law and distributees of Rev. Albert Ingram, if he be deceased, and all persons entitled to claim under or through them or any of them; NANCY H. SQUIRE MACK and WADE SQUIRE MACK and as defendants whose names are unknown any child or children and heirs at law and distributees of WADE SQUIRE MACK or NANCY H. SQUIRE MACK, and all persons entitled to claim under or through them or any of them; also, all other persons or legal entities unknown claiming any right, title, estate, interest in or lien upon the real property described in the complaint herein; and unknown adults on active duty in the military service being as a class designated JOHN DOE; and any unknown infants or persons under disability being as a class designated RICHARD ROE, W.A. Bob Jeter, Auditor and John R.T. Major, Clerk of Court, Tom Elliott, Treasurer, being the Forfeited Land Commission.

Defendants.

Notice is given hereby that an action has been commenced and is pending in this Court between the above named plaintiff and the defendants above named to confirm the fee simple title of plaintiffs and to bar forever any claim of any other person or legal entity whomsoever in and to the real property described as

All that piece, parcel or lot of land, with the improvements thereon, known as No. 1511 Gadsden Street, situate, lying and being on the western side of Gadsden Street, between Hampton and Taylor Streets, in the City of Columbia, County of Richland, State of South Carolina measuring on its Northern and Southern sides 104 feet, more or less; and on its Eastern and Western sid. 35 feet more or less and being bounded o" the North by property n or formerly of Gregg, on the East by Gadsden Street; on the South by property now or formerly of Thomas; and on the West by property now or formerly of Johnson.

This is the identical property that was conveyed to plaintiff by deed of Sidney Park Associates, dated August 30, 1977 and recorded in the office of the said REgister of Mesne Conveyance in Deed Book at Page

JOHNSON, TOAL & BATTISTE, P.A.
William T. Toal
Attorneys for Plaintiffs

Columbia, South Carolina
September 15, 1977.

ORDER

State of South Carolina
County of Richland
IN THE COURT OF COMMON PLEAS
SIDNEY PARK, INC.

Plaintiff,

-vs-

TOM ELLIOTT, as Treasurer and Tax Collector for Richland Coutny; REV. ALBERT INGRAM; NANCY H. SQUIRE MACK and WADE SQUIRE MACK, et al.,

Defendants.

After due consideration of the petition for the appointment of J. Steeley Bogan, Esquire, as Gaurdian and Litem NISI for unknown infants and persons under disability, defendants in this aciton collectively designated as Richard Roe,

IT IS ORDERED that the said J. Steedly Bogan, be and he is hereby appointed Guardian ad Litem NISI for any unknown infants and persons under disability, defendants in this action collectively designated Richard Roe, and is authorized to appear and defend the said action on behalf of said Richard Roe, unless said minors and persons under disability, or either of them, or someone in their behalf, within twenty (20) days after service of this Order upon them as herein provided, shall procure the appointment of a guardian ad litem for said minors and persons under disability.

FURTHER, IT IS ORDERED that this Order shall be served upon said unknown infants and persons under disability, defendants herein collectively designated Richard Roe, by publicaiton of copy of the Order in "Osceola", a newspaper of general circulation published in Richland County, South Carolina, once a week for three (3) successive weeks.

C.C.C.P. & G.S., RICHLAND COUNTY, S.C.
Columbia, South Carolina
10/10 1977.
J.Steedley Bogan

LEGAL NOTICE

Please take notice that the Complaint in the above-styled case was filed on October 10, 1977.

Bill Toal
P.O. 1431 29202
11/25

SUMMONS

State of South Carolina
County of Richland
IN THE COURT OF COMMON PLEAS
Perpetual Building and Loan Association of Columbia, South Carolina,

Plaintiff,

vs.

Louise K. Hargis, Mary Lee Hargis, Gloria Evelyn Coalsen, and if any of the above be deceased, then John Doe and Richard Roe as representatives of all heirs at law or devisees of Louise K. Hargis, Mary Lee Hargis or Gloria Evelyn Coalsen and also as representatives of all heirs or devisees and all persons entitled to claim under or through them or any of them; the heirs at law of the Estate of Wesley Hargis; also any other persons unknown claiming any right, title, interest in, or lien upon the real estate described in the Complaint herein, any unknown adults having as a class designated as John Doe and any unknown infants or persons under a disability or persons in military services designated as a class as Richard Roe; Noland Credit Company,

Defendants.

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at his office, 1531 Laurel Street, Columbia, South Caroina, within twenty (20) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

RATCHFORD, ELEAZER AND COOPER
James D. Cooper, Jr.
Attorney for the Plaintiff
Columbia, South Carolina
This day of October, 1976

NOTICE

State of South Carolina
County of Richland
IN THE COURT OF COMMON PLEAS
Perpetual Building and Loan Association of Columbia, South Carolina,

Plaintiff,

vs.

Louise K. Hargis, Mary Lee Hargis, Gloria Evelyn Coalsen, and if any of the above be deceased, then John Doe and Richard Roe as representatives of all heirs at law or deivsees of Louise K. Hargis, Mary Lee Hargis or Gloria Evelyn Coalsen and alaso as representatives of all heirs or devisees and all persons entitled to claim under or through them or any of them; the heirs at law of the Estate of Wesley Hargis; also any other persons unknown claiming any right, title, interest in, or lien upon the real estate described in the Complaint herein, any unknown adults having as a class designated as John Doe and any unknown infants or persons under a disability or persons in military services designated as a class as Richard Roe; Noland Credit Company,

Defendants.

TO THE DEFENDANTS ABOVE NAMED:

YOU WILL PLEASE TAKE NOTICE that the original Summons and Complaint in the above entitled action were filed in the Office of the Clerk of Court for Richland County, the object and prayer of which is the foreclosure of real estate, and other relief as set forth in the Complaint.

RATCHFORD, ELEAZER AND COOPER
James D. Cooper, Jr.
Attorney for the Plaintiff
Columbia, South Carolina
This day of October, 1976.

LIS PENDENS

State of South Carolina
County of Richland
IN THE COURT OF COMMON PLEAS
Perpetual Building and Loan Association of Columbia, South Carolina.

Plaintiff,

vs.

Louise K. Hargis, Mary Lee Hargis, Gloria Evelyn Coalsen, and if any of the above be deceased, then John Doe and Richard Roe as representatives of all heirs at law or deivsees of Louise K. Hargis, Mary Lee Hargis or Gloria Evelyn Coalsen and also as representatives of all heirs or devisees and all perons entitled to claim under or through them or any of them; the heirs of law of the Estate of Wesley Hargis; also any other persons unknown claiming any right, title, interest in, or lien upon tne real estate described in the Complaint herein, any unknown adults having as a clas designated as John Doe and any unknown infants or persons under a disability or persons in military services designated as a class as Richard Roe; Noland Credit Company,

Defendants.

NOTICE IS HEREBY GIVEN that the foregoing aciton has been commenced, and is now pending, in the Court of Common Pleas for Richland County, State of South Carolina, between the parties above named, upon a foreclosure proceeding on the property of the above named Defendents for the purpose of restraining said Defendants from disposing of the following described real estate and defrauding their creditors, namely, the Plaintiff above mentioned. The said property was, at the time of the commencement of this action, and presently at the time of the filing of this notice, situate in Richland County, and is described as follows:

All that ceratin piece, parcel, and lot of land, with improvements thereon, situate, lying and being near the City of Columbia, in the County of Richland, State of South Carolina; said lot and property being shown, delineated, and designated as Lot No. 16, in Block "E", on a plat of the subdivision known as Alta Vista, made by James C. Covington, C.E., dated November 15, 1948, and recorded in the Office of the Clerk of Court for Richland County in Plat Book "M" at Page 195.

RATCHFORD, ELEAZER AND COOPER
James D. Cooper, Jr..
Attorney for the Plaintiff
Columbia, South Carolina
This day of October, 1976.

ORDER APPOINTING GUARDIAN AD LITEM NISI AND ATTORNEY FOR PERSONS IN MILITARY SERVICES

State of South Carolina
County of Richland
IN THE COURT OF PROBATE
Perpetual Building and Loan Association of Columbia, South Caorlina,

Plaintiff,

vs.

Louise K. Hargis, Mary Lee Hargis, Gloris Evelyn Coalsen, and if any of the above be deceased, then John Doe and Richard Roe as representatives of all heirs at law or devisees of Louise K. Hargis, Mary Lee Hargis or Gloris Evelyn Coalsen and also as representatives of all heirs or devisees and all persons entitled to claim under or through them or any of them; the heirs at law of the Estate of Wesley Hargis; also any other persons unknown claiming any right, title, interest in, or lien upon the real estate described in the Complaint herein, any unknown adults having as a class designated as John Doe and any unknown infants or persons under a disability or persons in military services designated as a class as Richard Roe; Noland Credit Company,

Defendants.

It being made to appear to me that unknown parties may exist who may have an interest in the real estate sought to be obtained in this action, and that these unknown persons may be suffering from some legal disability, be minors, or be in the military service of the USA, and, therefore, require representation by a guardian ad litem or an attorney,

Now, upon motion of Ratchford and Cooper, Attorneys for the Plaintiff,

IT IS ORDERED, ADJUDGED AND DECREED, that Donald E. Jonas, Esquire, attorney at law, of Columbia, South Carolina, be and hereby is appointed as Gaurdian ad Litem for the said unknown persons in the military service in this aciton, unless within twenty (20) days after service of the notice of this appointment upon him as provided by law, he shall have appointed some other person to act as Guardian ad Litem or as his attorney.

IT IS FURTHER ORDERED, that this Order be served upon the said persons by publication in the same manner as the Summons in this action.

AND IT IS ORDERED.

Jasper M. Cureton, Master-In-Equity
Richland Coutny
Columbia, South Carolina
This 18th day of October, 1977.

CONSENT

I consent to act as Guardian ad Litem NISI and attorney for the unknown defendants as set out in the above Order.

Donald E. Jones
SWORN TO before me this
14th day of October, 1977
James D. Cooper, Jr., (L.S.)
Notary Public for South Carolina
My Commission Expires: 5-31-84
11/18

ESTATE NOTICE

All persons having claims against the estate of Lillian Baldwin deceased, are hereby notifed to file the same, duly verified, with the undersigned, and those indebted to said estate will please make payment likewise.

Percy Baldwin, Executor
c/o D.W. Robinson, Atty.
P.O. Box 944
Columbia, S.C. 29020
Columbia, S.C.
October 25, 1977
11/18

FINAL DISCHARGE

Notice is hereby given that Ollie Wessinger, Executrix of the estate of Marion E. Wessinger, Deceased has this day made application unto me for a final discharge as such Executrix; and that the 28th day of November 1977, at 10 o'clock A.M., at my office has been appointed for the hearing of said petition.

A. RAY HINNANT
Probate Judge,
Richland County, S.C.
October 24, 1977
11/18

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